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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,442	01/13/2004	Harry Steinbok	S-1103	1068

7590 02/09/2006

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EXAMINER
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EPPS, TODD MICHAEL

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,442	<b>Applicant(s)</b> STEINBOK, HARRY	
	<b>Examiner</b> Todd M. Epps	<b>Art Unit</b> 3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 8, 9 and 14-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25, 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 7, 10-13, 26-28, and 31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is the third Office Action for serial number 10/755,442, Serving Utensil On Retractable Tether, filed on January 13, 2004.

***Withdrawal of Finality***

Upon review of the art of record and upon discovery of additional art, the previous allowance of claims has been withdrawn and the following action taken. Any inconvenience is regretted.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 10, 11, 12, 13, 26, 27, 28, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,318,302 to Bedient in view of U.S. Patent No. 6,112,357 to Halloran.

Bedient '302 discloses a retractable tether housing member; a fixed coupling means defined by an eye with a shaft extending therefrom; a tether member connected to a retractable tether housing member at one end, and a tether member having a free end. However, Bedient '302 fails to teach a serving utensil coupled to a free end of a tether member. Attention is directed to Halloran '357 reference, which discloses a retractable tether housing member with a tether member connected to a serving utensil, wherein a shaft is a two-piece element with a male connector and a female connector.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the tether member of Bedient '302 with the tether member connected to a serving utensil as taught by Halloran '357 wherein doing so would provide thereof convenience to use utensil on a salad bar without misplace them.

Furthermore, Bedient '302 in view of Halloran '357 fails to disclose a serving utensil, which is a pair of tongs and a spoon. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pair of tongs or a spoon in order to provide convenience for picking up food onto a plate.

### ***Allowable Subject Matter***

Claims 25, and 29-30 are allowed.

The prior art fails to teach a combination of a retractable tether member having an extendible, retractable tether, wherein a tether having a first end and a free end with a means for coupling retractable tether member to a sneeze shield over a salad bar, and a serving utensil member with a means for coupling serving utensil member to a retractable tether.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps  
Patent Examiner  
Art Unit 3632  
January 26, 2006

 2/6/06  
**ROBERT P. OLSZEWSKI**  
**PERMISSORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**